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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------------|------------------|
| 10/796,649 | 03/09/2004 | Darin D. Tuttle | AUTO 406 | 2200 |
| 28167 | 7590 | 01/17/2007 | | |
| BRIAN J. REES GENTEX CORPORATION 600 NORTH CENTENNIAL STREET ZEELAND, MI 49464 | | | EXAMINER LEE, Y MY QUACH | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2875 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 01/17/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/796,649 | Applicant(s) TUTTLE ET AL. | |
| | Examiner Lee Y Quach | Art Unit 2875 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9, 11-14, 30-36, 42-58 and 61-106 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 14, 30-36, 42-44, 50-52, 54, 65, 66, 72-80, 86, 87, 89, 98 and 99 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 9, 11-13, 45-49, 53, 55-58, 61-64, 67-71, 81-85, 88, 90-97 and 100-106 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed October 18, 2006, have been fully considered and are persuasive. However, upon further consideration, objection to the drawings and the specification as well as objection to claims 9, 11 to 13, 45 to 49, 53, 55 to 58, 61 to 64, 67 to 71, 81 to 85, 88, 90 to 97 and 100 to 106 are made and follow.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features of "an imager, an automatic exterior light control module, a moisture sensor module, a compass sensor, a compass, a speaker, a microphone, a windshield wiper automatic control, a digital signal processor, an automatic defogger control, a collision avoidance control, a lane departure warning module, an electrode-optic mirror element control module, a processor" as claimed in claims 45 to 47, 67 to 69 and 100 to 102 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: Paragraph 0003, the language "What are provided are improved....." is improper. The reference numeral "240e5" is used for two separate elements, --spacers-- on line 8 of paragraph 0034, and --optical block locators-- on lines 9 to 10 of paragraph 0034. Appropriate correction is required.

Claim Objections

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4. Claims 53, 55 to 58, 88 and 90 to 93 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. For instance, claim 53 claims "said horizontal beam pattern is substantially directed in the range approximately 32 degrees ..." while there is no horizontal beam pattern defined in claim 52. Claim 55 depends on claim 53 and as such is also objected. Claims 56 to 58 claim "a minimum of approximately horizontally" while there is no horizontal beam pattern defined in claim 52. Claim 88 claims "said horizontal beam pattern is substantially directed in the range approximately 32 degrees ..." while there is no horizontal beam pattern defined in claim 87. Claim 90 depends on claim 88 and as such is also objected. Claims 91 to 93 claim "a minimum of approximately horizontally" while there is no horizontal beam pattern defined in claim 87. Applicant is required to cancel the claim(s) or amend the claim(s) to place the claim(s) in proper dependent form.
5. Claims 9, 11 to 13, 45 to 49, 61 to 64, 67 to 71, 81 to 85, 94 to 97 and 100 to 106 are objected to because of the following formalities: In claims 45 and 46, there is no proper structural cooperation between "a rearview mirror assembly" and the elements as claimed in claim 30. In claim 47, there is no proper structural cooperation between "a mirror housing" and the elements as claimed in claim 30. In claim 48, there is no proper structural cooperation between "an exterior rearview mirror assembly" and the elements as claimed in claim 30. In claim 49, there is no clear antecedent basis for "said mirror". Note that "a mirror housing" is recited in claim 47. In claims 67 and 68, there is no proper structural cooperation between "a rearview mirror assembly" and the elements as claimed in claim 52. In claim 69, there is no proper structural cooperation between "a mirror housing" and the elements as claimed in claim 52. In claim 70, there is no proper structural cooperation between "an exterior rearview mirror assembly" and the elements as claimed in claim 52. Claim 71 depends on objected claim 70 and as such is also objected. The subject matter in claim 81 is identical to the subject matter of claim 9. Note that claim 9 includes the subject matter of claim 1 and claim 81 includes the subject matter of claim 74. In claims 12 to 13, there are no proper structural cooperation between the at least one collimating portion (claim 1) with the first collimating portion, the second collimating portion, and the at least one deviator portion (claim 9) with the first deviator portion, the second

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deviator portion. The subject matter of claim 82 is identical to the subject matter of claim 11. In claim 84, there is no proper structural cooperation between "a rearview mirror" and the elements as claimed in claim 74. The subject matter in claim 94 is identical to the subject matter of claim 61. Note that claim 61 includes the subject matter of claim 52 and claim 94 includes the subject matter of claim 87. Claim 62 depends on objected claim 61 and as such is also objected. In claims 63 to 64, there are no proper structural cooperation between the at least one collimating portion (claim 62) with the first collimating portion, the second collimating portion, and the at least one deviator portion (claim 62) with the first deviator portion, the second deviator portion. In claims 83 and 85, there are no proper structural cooperation between the at least one deviator portion (claim 74) with the first deviator portion, the second deviator portion, and the optics block (claim 74) with the first deviator portion, the second deviator portion. The dependency of claim 95 is incorrect because "at least one collimating portion" was first introduced in claim 94 not claim 87. In claims 96 and 97, there are no proper structural cooperation between the at least one deviator portion (claim 87) with the first deviator portion, the second deviator portion, and the optics block (claim 87) with the first deviator portion, the second deviator portion. In claims 100 and 101, there is no proper structural cooperation between "a rearview mirror assembly" and the elements as claimed in claim 87. In claim 102, there is no proper structural cooperation between "a mirror housing" and the elements as claimed in claim 87. In claim 103, there is no proper structural cooperation between "an exterior rearview mirror assembly" and the elements as claimed in claim 87. In claim 104, there is no clear antecedent basis for "said mirror". Note that "... mirror assembly" is recited in claim 103. In claim 105, there is no proper structural cooperation between "a rearview mirror" and the elements as claimed in claim 87. Claim 106 depends on objected claim 105 and as such is also objected. Appropriate correction is required.

6. Claims 1 to 7, 14, 30 to 36, 42 to 44, 50 to 52, 54, 65, 66, 72 to 80, 86, 87, 89, 98 and 99 are allowed.

7. Claims 9, 11 to 13, 45 to 49, 61 to 64, 67 to 71, 81 to 85, 94 to 97 and 100 to 106 would be allowable if rewritten to overcome the objection set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

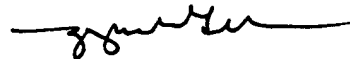
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service 571-272-2815.

Y. Q.
December 21, 2006



Y Quach Lee
Primary Examiner
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